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ABROAD AT HOME
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Silence By Lawsuit

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Britain's Official Secrets Act must be one of the most thoroughly discredited laws in the Western world. The act makes it a crime to disclose any Government information without official approval, even if the purpose is to expose wrongdoing. It intimidates the press and limits public discussion of policy.

Hard as it is to believe, the Reagan Administration is now trying to impose on the United States a replica of the Official Secrets Act. Few have noticed, because the Administration is moving crabwise toward that objective. It is not asking Congress to pass a law: Congress would say no. Instead it is seeking silence by an ingenious lawsuit.

The vehicle is the strange case of Samuel Loring Morison, a Navy employee who worked at an intelligence center in Suitland, Md. With the Navy's consent, Mr. Morison also did part-time work for Jane's Fighting Ships, the annual British survey of the world's fleets, and for its paper Jane's Defense Weekly.

Last October Mr. Morison was arrested for having sent Jane's Defense Weekly three U.S. satellite photographs, classified secret, of a Soviet aircraft carrier under construction. He was charged with violating the Espionage Act and the law against theft of Government property.

The charge is what makes this case so important. For it takes a press leak of the kind that goes on all the time in our Government and treats it as "espionage." If the Reagan prosecutors win on that theory, then ordinary leaking will become a grave crime and the United States will have a draconian Official Secrets Act.

The Espionage Act was passed by Congress during World War I to deal with just that: transmittal of defense secrets to an enemy. Only once before now has it been used in a journalistic context, against someone who turned over material for general publication. That was the ill-starred 1971 prosecution of Daniel Ellsberg and Anthony Russo for giving the Pentagon Papers to the press — which was dismissed because of Government misconduct.

Exactly the same is true of the law on theft of Government property. Only once before, in the Ellsberg-Russo prosecution, has there been any claim that leaks to the press amount to stealing property.

The Reagan Administration has made very clear that it wants to use the Morison case for large repressive purposes. The prosecution, in court papers, has brushed aside the idea that it should have to prove a subversive intent on Mr. Morison's part, or indeed any bad motive.

Even if Mr. Morison was motivated only by "a desire to expose obvious wrongdoing in high official circles," the prosecutors said in a memorandum, he was guilty of espionage and theft when he sent the photographs to be published. The memo brushed aside arguments that Mr. Morison must be shown to have acted with knowledge, or reason to believe, that he would be aiding a foreign power or harming the United States.

The sweep of that argument is not hard to understand. The Government classifies millions of documents every year, most of them containing no real secrets. The fact that our satellites can photograph the Soviet Union foot by foot, for example, has been well publicized — and the Government itself has published satellite pictures of such things as airports in Nicaragua.

It is a commonplace of Washington life to leak classified but not truly dangerous items. The technical aircraft and space magazines are filled with them in every issue. Indeed, it is only the publication of such material that permits essential discussion of such things as new weapons.

If the Reagan Administration can use the Morison case to turn leaks into crimes, it will have made a radical change in the American system. William E. Colby, the former Director of Central Intelligence, said in

1979 that Congress "has drawn a line between espionage for a foreign power and simple disclosure of our foreign policy and defense secrets, and decided that the latter problems are an acceptable cost of the kind of society we prefer."

Living with leaks as a price of freedom has not in fact weakened American society. Just think of Britain, with its Official Secrets Act, by comparison. Has British policy been wiser with public debate on crucial issues dampened? Has Britain been more successful in stopping true espionage?

The Morison case cries out for explanations. Why would the Reagan Administration want the United States to adopt a failed British system? Why not go to Congress if it wants such a law? And why has the American press paid so little attention to this dangerous threat? □